

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JAN 31 2003

OFFICE OF
MANAGING DIRECTOR

Catherine Wang
Troy F. Tanner
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, DC 20007-5116

Re: Petition for Filing Fee Waiver
And Refund
Fee Control No. 0210228115444001

Dear Counsel:

This letter is in response to your request for waiver and refund of the filing fee in the amount of \$1,630 submitted on behalf of Teleglobe, Inc. and its wholly-owned subsidiaries, Teleglobe USA, Inc. and Optel Communications, Inc., in connection with the pro forma assignment of submarine cable landing licenses held by the subsidiary companies.

You recite that on May 15, 2002 Teleglobe and its subsidiary companies commenced a restructuring proceeding in Canada. You state that, similar to proceedings under Chapter 11 of the United States Bankruptcy Code, the Ontario Superior **Court** of Justice ordered that Teleglobe remain as debtor in possession during the restructuring in accordance with the Companies' Creditors Arrangement Act of Canada. On the same date, you ~~assert~~ that a petition was filed in the United States Bankruptcy Court for the District of Delaware concerning a case ancillary to a foreign proceeding pursuant to Section 304 of the United States Bankruptcy Code. Teleglobe advised Chairman Powell of both proceedings by letter dated May 16, 2002. Additionally you state that on May 28, 2002 Teleglobe filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware. You request a waver and refund of the filing fee based on financial hardship.


Section 1.1117 of the Commission's Rules, 47 C.F.R. § 1.1117, provides that filing fees may be waived upon a showing of good cause and a finding that the public interest will be served thereby. See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd 3558, 3572-73 (1990). We find that Teleglobe has supported its claim of financial hardship and demonstrated good cause for waiver and refund of the filing fee. See MobileMedia Corporation, 14 FCC Rcd 8017, 8027 (1999) (bankruptcy establishes good cause **for** waiver of filing fee). Therefore, your request is granted.

Catherine Wang
Troy F. Tanner

2.

A check, made payable to the maker of the original check and drawn in the amount of \$1,630 will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Revenue and Receivables Operations Group at **(202) 418-1995**.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", with a large, stylized initial "M" and a long, sweeping horizontal stroke.

for Mark A. Reger
Chief Financial Officer

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

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VIA COURIER

Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals, TW-A325
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Application of Teleglobe Inc., Teleglobe USA Inc. and OPTEL
Telecommunications Inc. for Authority for a *Pro Forma* Assignment of
Submarine Cable Landing Licenses; **File No. SCL-ASG-2002** _____

Dear Ms. Dortch:

On May 16, 2002, the above-referenced application was **filed** with a request for a waiver of the \$1,630 filing fee. That application is still pending due to Commission delay in acting upon the **fee** waiver request. Teleglobe USA Inc. ("Teleglobe") **has** since filed applications for authority to transfer some of its assets to SkyOnline Holdings LLC. However, **the** International Bureau is delaying action on the SkyOnline applications until **the** above-referenced *pro forma* assignment application is processed. Therefore, upon advice of the Commission and in order to expedite consideration of **the pro forma** assignment application, Teleglobe yesterday paid the fee associated with the *pro forma* application. For **the** Commission's convenience, a date-stamped copy of **the** FCC Form 159, check and *pro forma* assignment application **are** attached.

Teleglobe now asks the Commission to find, for the reasons stated in its original **fee** waiver request, that good cause exists under Section 1.1113 of **the** Commission's Rules to grant Teleglobe a refund of the \$1,630 filing fee it paid yesterday.

If you have any questions regarding this filing, please contact **me** at (202) 295-8360.

Respectfully submitted,



Troy F. Tanner

Counsel **for** Teleglobe Inc., Teleglobe USA
Inc. and OPTEL Communications Inc.

■

Enclosures

cc: Jacqueline Ponti (FCC) (*via Electronic Mail*)
George **Li** (FCC) (*via Electronic Mail*)
Claudia Fox (FCC) (*via Electronic Mail*)
Susan Steiman (FCC) (*via Electronic Mail*)
Allan Sacks (FCC) (*via Electronic **Mail***)
Claudette **Pride** (FCC) (*via Electronic Mail*)
Charles A. **Tievsky** (Teleglobe) (*via Electronic Mail*)

DATE STAMP AND RETURN

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING (1) LOCKBOX # 358115	FEDERAL COMMUNICATIONS COMMISSION REMITTANCE ADVICE <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: left;"> FCC/NELE </div> <div style="text-align: center;"> OCT 21 2002 </div> <div style="text-align: right;"> SPECIAL USE FCC USE ONLY </div> </div>	APPROVED BY OMB 3060-0589 Page No. 1 of 1
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SECTION A - PAYER INFORMATION	
(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card) Telelobe USA, Inc. - Debtor-in-Possession	(3) TOTAL AMOUNT PAID (dollars and cents) \$1,630.00

11480 Commerce Park Drive

5) STREET ADDRESS LINE NO. 2

(6) CITY Reston	(7) STATE VA	(8) ZIP CODE 20191
(9) DAYTIME TELEPHONE NUMBER (include area code) (703) 755-2507		(10) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (PRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(11) PAYER (FRN) 0007466782	(12) PAYER (TIN) 0541739110
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IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

OPTEL TELECOMMUNICATIONS INC.

(14) STREET ADDRESS LINE NO. 1
11480 Commerce Park Drive

(15) STREET ADDRESS LINE NO. 2

(16) CITY Reston	(17) STATE VA	(18) ZIP CODE 20191
(19) DAYTIME TELEPHONE NUMBER (include area code) (703) 755-2507		(20) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(21) APPLICANT (FRN) 0007440639	(22) APPLICANT (TIN) 0511802618
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COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(23A) FCC CALL SIGN/OTHER ID	(24A) PAYMENT TYPE CODE (PTC) CUT	(25A) QUANTITY 2
(26A) FEE DUE FOR (PTC) \$1,630.00	(27A) TOTAL FEE \$1,630.00	FCC USE ONLY
(28A) FCC CODE 1		(29A) FCC CODE 2

(23B) FCC CALL SIGN/OTHER ID	(24B) PAYMENT TYPE CODE (PTC)	(25B) QUANTITY
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE	C USE ONLY

(30) CERTIFICATION STATEMENT

I, **Troy F. Tanner**, certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief. SIGNATURE *Troy F. Tanner* DATE **10/21/02**

- CREDIT CARD PAYMENT INFORMATION

(31)

MASTERCARD/VISA ACCOUNT NUMBER	EXPIRATION DATE:
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☐ MASTERCARD
☐ VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s) authorization herein described.
 SIGNATURE _____ DATE _____